

**JESSE KEENAN**

JUN 19 2008  
JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

JUN 19 2008

FILED  
CLERK'S OFFICE

UNITED STATES JUDICIAL PANEL  
on  
MULTIDISTRICT LITIGATION

IN RE: FOSAMAX PRODUCTS  
LIABILITY LITIGATION

Gloria Kopecky, et al. v. Merck & Co., Inc., et al., )  
D. Arizona, C.A. No. 2:08-832 )

MDL No. 1789

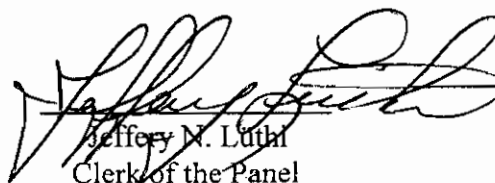
ORDER LIFTING STAY OF CONDITIONAL TRANSFER ORDER  
AND VACATING THE JULY 31, 2008, HEARING SESSION

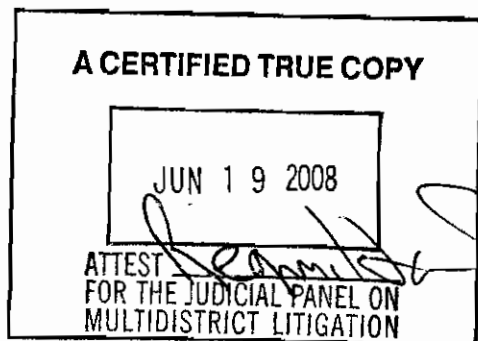
A conditional transfer order was filed in this action (*Kopecky*) on May 15, 2008. Prior to expiration of that order's 15-day stay of transmittal, plaintiffs in *Kopecky* filed a notice of opposition to the proposed transfer. Plaintiffs subsequently failed to file the required motion and brief to vacate the conditional transfer order.

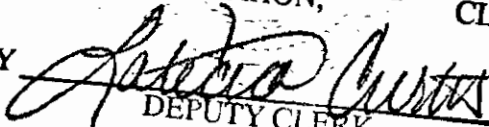
IT IS THEREFORE ORDERED that the stay of the Panel's conditional transfer order designated as "CTO-56" filed on May 15, 2008, is LIFTED insofar as it relates to this action. The action is transferred to the Southern District of New York for inclusion in the coordinated or consolidated pretrial proceedings under 28 U.S.C. § 1407 being conducted by the Honorable John F. Keenan.

IT IS FURTHER ORDERED that the Hearing Session Order and the attached Schedule filed on June 19, 2008, are VACATED insofar as they relate to this action.

FOR THE PANEL:

  
Jeffrey M. Luthi  
Clerk of the Panel



A CERTIFIED COPY  
J. MICHAEL McMAHON,  
CLERK  
BY   
DEPUTY CLERK

UNITED STATES DISTRICT COURT  
Southern District of New York  
Office of the Clerk  
500 Pearl Street  
New York, N.Y. 10007  
(212)805-0136

J. Michael McMahon  
Clerk  
DISTRICT OF ARIZONA

Date: 06/24/2008

In Re: FOSAMAX PRODUCTS

MDL 1789

Your Docket #  
2:08-832

S.D. OF N.Y.  
08-5685

Dear Sir:

Enclosed is a certified copy of the order of the Judicial Panel on Multidistrict Litigation, transferring the above entitled action presently pending in your court, to the Southern District of New York and assigned to Judge KEENAN for coordinated or consolidated pretrial processing pursuant to 28 USC 1407.

Please return the copy of this letter when transmitting YOUR FILE and a CERTIFIED COPY OF THE DOCKET SHEET.

Sincerely,  
J. Michael McMahon

By: PHYLLIS ADAMIK  
MDL Unit  
(212) 805-0646